

REMARKS

Claims 1-5 are pending in the application. Claims 4 and 5 are withdrawn from consideration as being directed to a non-elected invention. In the non-final Office Action dated September 29, 2006, the Examiner made the following disposition:

- A.) Acknowledged Applicant's claim for foreign priority.
- B.) Objected to Figures 11, 12A-C, and 13.
- C.) Rejected claim 1 under 35 U.S.C. §102(e) as allegedly being anticipated by *Applicant's Background Art in Figures 11, 12A-C, and 13* ("*Applicant's Background Art.*")
- D.) Rejected claim 1 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wang, et al.* ("*Wang.*")
- E.) Rejected claims 1 and 3 under 35 U.S.C. §102(b) as allegedly being anticipated by *Nguyen, et al.* ("*Nguyen.*")
- F.) Rejected claims 2 and 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wang*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below. Claims 1, 2, and 3 have been amended. Claim 6 is newly added.

A.) Acknowledged Applicant's claim for foreign priority:

Applicant respectfully notes the Examiner's acknowledgement of Applicant's claim for foreign priority.

The specification has been amended, as per the Examiner's request, to identify related applications.

B.) Objection to Figures 11, 12A-C, and 13:

Figures 11, 12A, 12B, 12C, and 13 have been amended as per the Examiner's request to overcome the objection.

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

C.) Rejection of claim 1 under 35 U.S.C. §102(e) as allegedly being anticipated by Applicant's Background Art:

Applicant respectfully disagrees with the rejection.

Referring to Figure 11 as an illustrative Example, Applicant's claim 1, as amended, claims a micromachine comprising one or more protective films 11 disposed on a first electrode 7b and a support electrode 7c. A band-shaped vibrator electrode 15 comprises (a) a vibrating part 16 overlaying the second electrode 7a and end parts. The vibrating part 16 is spaced apart from the second electrode 7a with a gap A therebetween. The vibrator electrode 15 is secured to the first electrode 7b and the support electrode 7c. A portion of each end part overlies one of the protective films 11.

This is clearly unlike Applicant's Background Art of Figures 11, 12, and 13, which fails to disclose or suggest a micromachine comprising one or more protective films disposed on a first electrode and a support electrode, a portion of each end part of a vibrator electrode overlying one of the protective films. Figures 11, 12, and 13 fail to teach Applicant's claimed one or more protective films, let alone a vibrator electrode overlying a protective film.

For at least this reason, Applicant's Background Art fails to disclose or suggest claim 1.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

D.) Rejection of claim 1 under 35 U.S.C. §102(b) as allegedly being anticipated by Wang:

Applicant respectfully disagrees with the rejection.

Referring to Figure 11 as an illustrative Example, Applicant's claim 1, as amended, claims a micromachine comprising one or more protective films 11 disposed on a first electrode 7b and a support electrode 7c. A band-shaped vibrator electrode 15 comprises (a) a vibrating part 16 overlaying the second electrode 7a and end parts. The vibrating part 16 is spaced apart from the second electrode 7a with a gap A therebetween. The vibrator electrode 15 is secured to the first electrode 7b and the support electrode 7c. A portion of each end part overlies one of the protective films 11.

This is clearly unlike *Wang*, which fails to disclose or suggest a vibrating electrode having end parts that partially overlie a protective film. Referring to *Wang* Figure 5, *Wang* discloses a resonator beam having end points that are anchored to electrodes. Unlike Applicant's claimed invention, nowhere does *Wang* disclose or suggest one or more protective films disposed

on its electrodes. Therefore, *Wang* could not disclose nor suggest that its resonator beam has end parts that partially overly a protective film. For at least this reason, *Wang* fails to disclose or suggest claim 1.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

E.) Rejection of claims 1 and 3 under 35 U.S.C. §102(b) as allegedly being anticipated by *Nguyen*:

Applicant respectfully disagrees with the rejection.

Applicant's claim 1 is described above.

Claim 1 is clearly unlike *Nguyen*, which fails to disclose or suggest a vibrating electrode having end parts that partially overly a protective film. Referring to *Nguyen* Figure 6, *Nguyen* discloses a resonator having end points that are anchored to electrodes. Unlike Applicant's claimed invention, nowhere does *Nguyen* disclose or suggest one or more protective films disposed on its electrodes. Therefore, *Nguyen* could not disclose nor suggest that its resonator has end parts that at least partially overly a protective film. For at least this reason, *Nguyen* fails to disclose or suggest claim 1.

Claim 3 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

F.) Rejection of claims 2 and 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wang*:

Applicant respectfully disagrees with the rejection.

Independent claim 1 is allowable over *Wang* as discussed above. Claims 2 and 3 depend directly or indirectly from *Wang* and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-3 and 6 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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